

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 ERIC GRIFFIN,
12 Plaintiff,
13 vs.
14 HENDERSON POLICE OFFICER, *et al.*,
15 Defendants.
16

2:10-cv-01169-RLH-RJJ

ORDER

Plaintiff has appealed this court's Order denying him leave to proceed in forma pauperis because plaintiff is a three strikes litigant (*see* docket #6) to the U.S. Court of Appeals for the Ninth Circuit.

First, plaintiff has filed a motion for leave to proceed *in forma pauperis* on appeal (docket #8) and an emergency motion for appointment of counsel on appeal (docket #9). However, this court certifies that any *in forma pauperis* appeal of its Order of August 13, 2010 (docket #2) would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if appeal would not be frivolous). Accordingly, these motions are denied.

1 With respect to the other motions filed in this court by plaintiff, as he has appealed the
2 denial of *in forma pauperis* status to the Ninth Circuit, this court has no jurisdiction over this action until
3 the Ninth Circuit rules on his appeal. As such, plaintiff's motions are denied. Plaintiff is directed to file
4 nothing further with this court at this time.

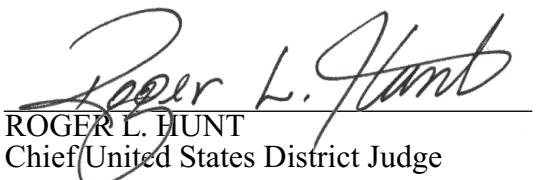
5 **IT IS THEREFORE ORDERED** that this court **CERTIFIES** that any *in forma*
6 *pauperis* appeal from its August 13, 2010 Order (docket #2) would not be taken "in good faith" pursuant
7 to 28 U.S.C. § 1915(a)(3).

8 **IT IS FURTHER ORDERED** that plaintiff's motion for leave to proceed *in forma*
9 *pauperis* on appeal (docket #8) and emergency motion for appointment of counsel (docket #9) are
10 **DENIED**.

11 **IT IS FURTHER ORDERED** that the following motions: motion to extend time on all
12 matters (#10); and emergency motion to arrest all suspects (docket #11) are **DENIED**.

13 **IT IS FURTHER ORDERED** that plaintiff shall file no more documents in this case
14 while his appeal is pending. Any such documents shall be returned, unfiled, to plaintiff.

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17 DATED this 5th day of November , 2010.

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ROGER L. HUNT
Chief United States District Judge